

### **REMARKS**

In the specification, the paragraph beginning on page 10, line 20 has been amended to correct the legend numbers corresponding to the certain elements.

Claims 1-34 were pending in this application.

Claims 1 and 8 are amended to further describe the subject matter of the present invention. Support for the claim amendment can be found in Figs. 3, 9, 10, 12 and 17. Claims 9 and 10 are amended to correct minor typographical errors. No new matter is added in the amendment.

Claims 17-34 are canceled.

Accordingly, claims 1-16 are pending in the subject application.

Applicants request reconsideration of the pending claims in light of the above claim amendment taken along with the following remarks.

### **Election/Restriction**

Applicants acknowledge the finality of the restriction requirement, and hereby cancel claims 17-34, without prejudice. Applicants reserve the right to file one or more continuation applications for the subject matter of the canceled claims.

### **Claim Rejection under 35 U.S.C. 102**

Claims 1-3, 6, 8-10, 12 and 13 stand rejected under 35 U.S.C. §102(b) as being anticipated by Shimoji (U.S. Pat. No. 5,349,222; hereinafter Shimoji) for reasons recited in pages 3 and 4 of the June 27, 2005 Office Action (hereinafter Office Action). The Examiner contends that conductive body 23 of Shimoji equates to the selection gate electrode as claimed in the present application. Applicants respectfully traverse this rejection.

Shimoji discloses a non-volatile memory cell with control gate region 10a, a source electrode 24, and a conductive body 23 interposed between the source electrode 24 and the control gate region 10a. Conductive body 23 cannot act as a selection gate electrode because the conductive body 23 is connected to the source electrode 24. Even if, assuming arguendo, that conductive body 23 can act as the selection gate electrode, Shimoji clearly shows that its conductive body 23 is disposed adjacent to the control gate region 10a. Shimoji does not disclose applicants' non-volatile memory cell, *inter alia*, where the selection gate electrode is

disposed over the semiconductor substrate at one side and extending over the top of the control gate pattern, as in applicants amended claims 1 and 8.

Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection to claims 1 and 8, and claims depended therefrom.

Claims 1-3, 5, 8-10, 14 and 16 stand rejected under 35 U.S.C. §102(e) as being anticipated by Kim et al (U.S. Pat. No. 6,784,476; hereinafter Kim) for reasons recited in pages 5-7 of the Office Action. Claims 1-6, 8-10, 11, and 14-16 stand rejected under 35 U.S.C. §102(e) as being anticipated by Kawahara et al (U.S. Pat. No. 6,785,165; hereinafter Kawa) for reasons recited in pages 7-9 of the Office Action. Applicants respectfully traverse these rejections.

Even assuming arguendo that Kim and Kawa describe features as stated by the Examiner, neither Kim nor Kawa discloses applicants' non-volatile memory cell, *inter alia*, where the selection gate electrode is disposed over the semiconductor substrate at one side and **extending over substantially the entire top portion** of the control gate pattern, as in applicants amended claims 1 and 8.

Accordingly, applicants respectfully request reconsideration and withdrawal of the rejections to claims 1 and 8, and claims 2-6 depended on claim 1, and claims 9-11 and 14-16 depended on claim 8 thereon.

#### **Claim Rejection under 35 U.S.C. 103**

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kawa for reasons recited at page 10 of the Office Action. Applicants respectfully traverse this rejection.

As discussed above, Kawa does not disclose applicants' amended claim 1 because Kawa does not disclose applicants' non-volatile memory cell, *inter alia*, where the selection gate electrode is disposed over the semiconductor substrate at one side and extending over substantially the entire top portion of the control gate pattern, as in applicants amended claim 1.

Applicants' further submit that their claim 7, which is depended on claim 1, is also patentable over Kawa.


Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection to claim 7 under 35 U.S.C. §103(a) as being unpatentable over Kawa.

**Conclusion:**

In summary, applicants respectfully submit that the instant application is in condition for allowance. Early notice to that end is earnestly solicited.

If a telephone conference would be of assistance in furthering prosecution of the subject application, applicants request that the undersigned be contacted at the number below.

Respectfully submitted,

  
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